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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 ALLAN ROBERT SIMMONS,

8 Petitioner,

9 v.

10 STATE OF WASHINGTON,

11 Respondent.


CASE NO. C19-5284 BHS-TLF

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION

12 This matter comes before the Court on the Report and Recommendation (“R&R”)
13 of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 4, and the
14 remaining record. The R&R recommends that the Court deny petitioner Simmons’s
15 motion for leave to proceed *in forma pauperis*, Dkt. 3. Since the R&R was filed,
16 Simmons has paid the \$5.00 filing fee. Therefore, the Court **DENIES** the motion as moot
17 and **DECLINES** to adopt the R&R.

18 **IT IS SO ORDERED.**

19 Dated this 31st day of May, 2019.

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22 BENJAMIN H. SETTLE
United States District Judge